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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/544,508 | 04/06/2000 | Phil Wyatt | MCO-P-00-001 | 9081 |

7590

04/11/2003

Patents+TMS
A Professional Corporation
1914 N Milwaukee Avenue
3rd Floor
Chicago, IL 60647

EXAMINER

DIXON, THOMAS A

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,508

Applicant(s)

WYATT, PHIL

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendments / Arguments

1. The arguments have been considered, and are convincing, however, Stanis teaches the claimed elements and the rejections appear below.
2. The rejections and objections of the previous action are withdrawn in view of applicant's amendments.

Contrary to applicant's characterization of the reference though Ohrn's examples are to booking hotel beds Ohrn anticipates the healthcare use of his system for use in Hospitals, which would naturally contain hospital beds, in column 10, lines 22-30 and use in a larger network system, see column 7, lines 60-66.

Though Ohrn does not disclose the Internet, the natural evolution of technology would cause a progression from the network of Ohrn, which could be a private network, LAN or WAN, to the Internet, which is simply a public WAN. Bruno et al is used to illustrate that the Internet is a well known network.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-8, 11, 12-16, 19-20 are rejected under 35 U.S.C. 103(a) as being anticipated by Ohrn (6,356,874) in view of Stanis et al ('4,135,241).

As per Claim 1, 14.

Ohrn ('874) discloses:

providing a network, see column 7, lines 60-66 and figure 1;

providing a database connected to the computer network, see figure 1;

inputting bed availability information for a plurality of healthcare facilities, wherein each of the plurality of healthcare facilities have beds and further wherein the bed availability information is input into the database and is accessible by the computer network, see column 6, lines 6-45, column 7, lines 60-66 and column 10, lines 22-30;

providing a first access to the database for finding the bed availability information by a user of the database, see column 6, lines 6-45.

Ohrn ('874) further discloses searching a database based on user entered criteria for the bed availability information, see column 5, lines 37-63.

Ohrn ('874) does not specifically disclose entering individual medical condition of a patient.

Stanis et al ('241) teaches entering medical information, see column 3, lines 14-25 and column 4, lines 23-36 for the benefit of accurate billing and records management.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a quantity of beds available in the invention of Ohrn ('874) as taught by Stanis et al ('241) for the benefit of accurate billing and records management.

As per Claim 2.

Ohrn ('874) further discloses providing the database on a network, see figure 1.

As per Claim 4.

Ohrn ('874) further discloses contacting one of the healthcare facilities after retrieving information about the healthcare facility, see column 10, lines 22-30 and column 5, lines 37-45.

As per Claim 5.

Ohrn ('874) further discloses providing a remote server storing the database, see figure 1.

As per Claim 6.

Ohrn ('874) further discloses providing a second access to the database wherein an extended care or a healthcare facility having beds enters the bed availability into the database via the second access, see column 5, lines 37-41, column 7, lines 44-50 and column 10, lines 22-30.

As per Claim 7, 19.

Ohrn ('874) further discloses an individual healthcare facility accesses the database to input the bed availability information for the individual healthcare facility, see column 5, lines 37-41, column 7, lines 44-50 and column 10, lines 22-30.

As per Claim 8, 15.

Ohrn ('874) does not specifically disclose bed availability includes a quantity of beds.

Stanis et al ('241) teaches a quantity of empty beds available, see column 7, line 43 – column 8, line 8 and column 3, lines 14-25 for the benefit of accurate billing and records management.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a quantity of beds available in the invention of Ohrn ('874) as taught by Stanis et al ('241) for the benefit of accurate billing and records management.

As per Claim 9, 16.

Ohrn ('874) does not specifically disclose bed availability includes types of beds available.

Stanis et al ('241) teaches a types of beds, see column 7, line 43 – column 8, line 8 and column 3, lines 14-25 for the benefit of accurate billing and records management.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a quantity of beds available in the invention of Ohrn ('874) as taught by Stanis et al ('241) for the benefit of accurate billing and records management.

As per Claim 11.

Ohrn ('874) further discloses searching the database for the bed availability information, see column 5, lines 37-63;

matching healthcare facility criteria with patient needs, see column 5, lines 37-41 and column 10, lines 22-30.

As per Claim 12.

Ohrn ('874) further discloses searching a database based on user entered criteria for the bed availability information, see column 5, lines 37-63.

Ohrn ('874) does not specifically disclose entering individual medical condition of a patient.

Stanis et al ('241) teaches entering medical information, see column 3, lines 14-25 and column 4, lines 23-36 for the benefit of accurate billing and records management.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a quantity of beds available in the invention of Ohrn ('874) as taught by Stanis et al ('241) for the benefit of accurate billing and records management.

As per Claim 13, 20.

Ohrn ('874) further discloses a means for searching, see column 37-63.

As per Claim 17.

Ohrn ('874) further discloses the bed availability information includes a projection of expected availability of beds at a facility in a specified time frame, see column 5, lines 37-63.

5. Claims 3, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohrn (6,356,874) in view of Stanis et al ('241) further in view of Bruno et al (6,289,088).

As per Claim 3.

Ohrn ('874) does not specifically disclose the network is the internet.

Bruno et al ('088) teaches use of the internet as a less expensive alternative to long distance service, see column 5, lines 34-56.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use the internet as a less expensive alternate network as taught by Bruno et al ('088) in the invention of Ohrn ('874).

As per Claim 10.

Ohrn ('874) further discloses an online form for accessing the database and inputting information, see figure 3.

Ohrn ('874) does not specifically disclose the network is the internet.

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Bruno et al ('088) teaches use of the internet as a less expensive alternative to long distance service, see column 5, lines 34-56.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use the internet as a less expensive alternate network as taught by Bruno et al ('088) in the invention of Ohrn ('874).

6. Claims 10, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohrn (6,356,874) in view of Stanis et al ('241) further in view of Bruno et al (6,289,088).

As per Claim 10, 18.

Ohrn ('874) further discloses an online form for accessing the database and inputting information, see figure 3.

Ohrn ('874) does not specifically disclose the network is the internet.

Bruno et al ('088) teaches use of the internet as a less expensive alternative to long distance service, see column 5, lines 34-56.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use the internet as a less expensive alternate network as taught by Bruno et al ('088) in the invention of Ohrn ('874).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Thomas A. Dixon", with a stylized flourish at the end.

Thomas A. Dixon
Examiner
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April 9, 2003